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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,745	12/07/2001	David Charles Richards	1324.034	2955

7590 04/30/2003

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EXAMINER

NGO, LIEN M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 04/30/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

NY.K

Office Action Summary

Application No.

10/010,745

Applicant(s)

RICHARDS, DAVID CHARLES

Examiner

LIEN TM NGO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3-5-03.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 10-15 and 17-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Applicant's election without traverse of Group I, species II, claims 1-9 and 16, in Paper No. 9 is acknowledged.

Oath/Declaration

It does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63© and 37 CFR 1.76.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Bosch

(3,768,638). Bosch discloses, in fig^{1 and} 3, a feeding bottle comprising a bottle body 1 having an air inlet 5, and a stopper assembly 6 being mounted to the bottle body and including a stopper

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manually basing movable to close and open the air inlet. The bottle is held in one hand in use and the stopper is operable by one finger of the hand.

4. Claims 1-9 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lowe et al. (1,976,450).

In regard to claims 1-4, Lowe et al. discloses, in figs. 1, 5, 11, 21 and 29, a feeding bottle comprising a bottle body 1 having an air inlet (33, 47, 46, 58), and a stopper assembly (34, 48, 59, 83, 98) being mounted to the bottle body and including a stopper manually basing movable to close and open the air inlet. The bottle is held in one hand in use and the stopper is operable by one finger of the hand.

In regard to claims 5-7 and 16, the stopper assembly is releasably attachable to the bottle body and includes an aperture (37, 100) alignable with the air inlet. The stopper assembly comprises a pivot arm 85 (fig. 21) bearing a stopper 82 and a biasing element 83 for basing the stopper to a closed position.

In regard to claim 8, a plastic band 34 can be considered as a stopper retainer that is movable between a first position (when the aperture 37 is registered over the air inlet) in which the stopper retainer retains the stopper in open position, and a second position (when the handle 41 positioned over the air inlet) in which the stopper retainer permits movement of the stopper between the open and closed positions.

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In regard to claim 9, when the plastic band 34 is positioned to close the air inlet, where the air inlet is not aligned both with the handle 41 and the aperture 37, the plastic band retains the stopper in closed position (second position).

5. Claims 1, 3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen (2,066,445). Allen discloses, in figs. 1 and 2, a feeding bottle comprising a bottle body 1 having an air inlet 3, and a stopper assembly 4 being mounted to the bottle body and including a stopper 10 manually movable to close and open the air inlet. The stopper assembly includes a stopper retainer 8 movable between a first position in which the stopper retainer retains the stopper 10 in the open position by unscrewing the retainer 8, and a second position in which the stopper retainer retains the stopper 10 in closed position by screwing the retainer 8.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown, McBride, Clark, Gardner, Reese et al., Geistlinger, and Vincingurerra teach stoppers and vent holes on baby bottle bodies.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien Ngo whose telephone number is (703) 305-0294. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful. The examiner's supervisor, Lee Young, can be reached at (703)308-2572. The Group FAX number is (703) 305-3579.

Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist at (703) 308-1148.



Lien Ngo

April 23, 2003